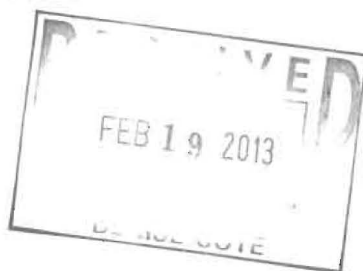


MEMO ENDORSED

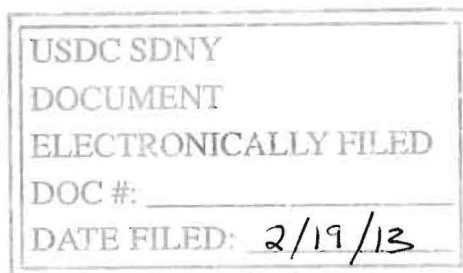


ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 MARSH ROAD
MENLO PARK, CALIFORNIA 94025-1015
tel +1-650-614-7400
fax +1-650-614-7401
WWW.ORRICK.COM

February 15, 2013

VIA HAND DELIVERY

The Honorable Denise J. Cote
United States District Judge
Daniel Patrick Moynihan, United States Courthouse
500 Pearl St.
New York, New York 10007-1312



Re: Eastman Kodak Company v. Altek Corporation, Case No. 12-cv-246 (SDNY)

Dear Judge Cote:

Pursuant to Paragraphs 1(A) and 4(A) of the Court's Individual Practices in Civil Cases, Altek respectfully submits this letter in connection with Altek's Opposition to Kodak's Motion for Partial Summary Judgment. Altek requests that the following documents (or portions thereof), which have been designated "Confidential" or "Highly Confidential—Attorney's Eyes Only" under the July 9, 2012 Protective Order (Dkt. No. 38), be filed under seal.

Altek has highlighted in blue the portions of Altek's motions, statements, and declarations that cite or refer to Exhibits that Kodak has designated as confidential or highly confidential. Should the Court deny Kodak's request to file under seal, Altek requests that the Court redact the commercially sensitive and proprietary information Altek has highlighted in yellow.

Altek has otherwise highlighted in yellow the sensitive portions of Altek's motions, statements, and declarations that Altek seeks to file under seal.

1. Exhibits 1, 2, 3, and 4 attached to the Declaration of Juliette Chan

Kodak has designated Exhibits 1, 2, 3, and 4 as "Confidential" or "Highly Confidential—Attorney's Eyes Only." Altek submits these Exhibits to be filed under seal per Kodak's designation.

2. Exhibits 1, 5, 6, 9, 10, and 11 attached to the Declaration of Alex Hsia

Kodak has designated Exhibits 9, 10, and 11 as "Confidential" or "Highly Confidential—Attorney's Eyes Only." Altek submits these Exhibits to be filed under seal per Kodak's designation.

Altek seeks to seal portions of Exhibit 1 (PLA Agreement) that contain commercially sensitive pricing information. The Court has previously approved these redactions. Order re Request to File Under Seal, February 6, 2013 (Dkt. No. 57) (ruling that the PLA Agreement can be redacted "except that paragraph 4.14 shall not be redacted.").

Exhibit 5 is a spreadsheet located on CD-ROM that includes methods Altek uses to set its prices. Exhibit 6 is a spreadsheet located on CD-ROM reflecting a quotation to Kodak. Both of these Exhibits contain commercially sensitive and proprietary information that has not been disclosed



The Honorable Denise L. Cote
February 15, 2013
Page 2

publicly. Altek's competitors and customers could use this information to undercut Altek's sales prices or gain a pricing advantage, respectively, thereby causing Altek irreparable harm.

3. Exhibits 1, 2, 3, and 4 attached to the Declaration of Jason Lin

Exhibits 1, 2, 3, and 4 contain pricing information. The portions Altek seeks to seal contain commercially sensitive and proprietary information that has not been disclosed publicly. Altek's competitors and customers could use this information to undercut Altek's sales prices or gain a pricing advantage, respectively, thereby causing Altek irreparable harm.

4. Exhibits 1, 2, 5, 6, 7, 8, 9, 10, and 11 attached to the Declaration of Morvarid Metanat

Kodak has designated Exhibits 1, 2, 5, 6, 7, 8, 9, 10, and 11 as "Confidential" or "Highly Confidential—Attorney's Eyes Only." Altek submits these Exhibits to be filed under seal per Kodak's designation.

5. The Exhibits attached to the Declaration of Steve Shih located on CD-ROM

The Exhibits to the Declaration of Steve Shih contain data that pertains to Altek's sales and profitability. The portions Altek seeks to seal contain commercially sensitive and proprietary information that has not been disclosed publicly. Altek's competitors and customers could use this information to undercut Altek's sales prices or gain a pricing advantage, respectively, thereby causing Altek irreparable harm.

6. Portions of the Declaration of Jonathan Tomlin

Altek seeks to seal the portions of Jonathan Tomlin's Declaration that cite to or refer to the above-referenced confidential provisions and to the Exhibits to the Declaration of Steve Shih.

7. Exhibit 2 and Portions of Altek's Rule 56(d) Statement

Kodak has designated Exhibit 2 as confidential and Altek submits Exhibit 2 to be filed under seal per Kodak's designation. Altek seeks to seal the portions of its Rule 56(d) Statement that cite to or refer to the above-referenced confidential provisions.

8. Portions of Altek's Opposition and Portions of Altek's Response to Kodak's L.R.56.1 Statement Altek's Statement of Undisputed Facts


Altek seeks to seal the portions of its Opposition and Response to Plaintiff's Rule 56.1 Statement that cite or refer to the above-referenced Kodak confidential provisions.

Altek hereby submits these materials to the Court pursuant to Paragraphs 1(A) and 4(A) of the Court's Individual Practices in Civil Cases, pending the Court's review.



The Honorable Denise L. Cote
February 15, 2013
Page 3

Very truly yours,


Morvarid Metanat

Enclosures

Cc via e-mail: Jonathan W. Woodard (with enclosures)
Jordan L. Hirsch (with enclosures)
Michael J. Summersgill (with enclosures)
Robert J. Gunther, Jr. (with enclosures)

*The redactions in paragraphs 2, 3 and 5
are approved. The redactions to exhibit
11 in paragraph 4 are approved. The
remainder of redactions for paragraphs
1, 4, 6, 7 and 8 must be more
targeted.*

Denise Cote
2/19/13